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Arb.OP(Com.Div.)No.398 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.10.2024

Coram:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Arb.OP(Com.Div.) No.398 of 2024

TICEL Bio Park Limited,
No.5, CSIR Road, Taramani,
Chennai – 600 113,
Rep by its Managing Director,
P.Poongumaran

... Petitioner

Vs.

1. Bogar Bio Bee Stores Private Limited,
26, 14th Cross Main Road,
New Thillai Nagar, Vadavalli,
Coimbatore, Tamil Nadu – 641 041.
Rep. by its Managing Director,
Dharmar Suresh Lingam.

2. Dharmar Suresh Lingam

... Respondents

Prayer: Original Petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, seeking to appoint an arbitrator to adjudicate the disputes between the petitioner and the respondents in terms of the lease deed dated 03.02.2021.

For Petitioner : Mr.Jose John

For Respondents : No appearance



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differences whatsoever, shall be referred to arbitration. The arbitration proceedings shall first be conducted in English and in accordance with the provisions of Indian Arbitration and Conciliation Act 1996 or any statutory modification or enactment thereof. The venue of arbitration shall be Chennai.

b. The Parties have agreed that the sole arbitrator will be appointed mutually by both the Parties. The arbitration proceedings will be on a fast track. Any of the Parties going for arbitration will submit its claim petition and documents to the arbitrator within one (1) week of the reference being made to the arbitrator, with a copy to the other Party. The other Party will submit its counter arguments and its documents to the arbitrator after serving a copy to the Party opting for arbitration, within one (1) week thereafter. The Parties can file their further replies or documents within one week thereafter. Immediately after the 3rd week, the sole arbitrator will endeavour to commence the hearing on the 22nd day and will endeavour to go on with the hearing of the case from day to day without any adjournment, as far as possible. The sole arbitrator will also endeavour to give his award as early as possible.

c. The arbitration proceedings will be completed as far as possible within 40 days from the date of reference. The decision of the arbitrator will be final and binding on the Parties."

3. The petitioner also points out that a notice of termination dated 19.07.2023 was issued to the respondents and the same was delivered on 21.07.2023.



However, the respondents neither vacated the premises nor cleared the balance outstanding dues. Thereafter, notice was hand delivered on 18.02.2024, however, there is no reply from the respondents.

4. Notice was ordered on the respondents on 30.09.2024. Though the notice sent to the first respondent was returned with endorsement “No such person”, the second respondent was duly served with the notice. However, no one is appeared on behalf of the respondents either in person nor through counsel. Therefore, there is no impediment to proceed with the matter.

5. On perusal of Article XXII of the agreement deed dated 03.02.2021, it is evident that the disputes are required to be resolved through arbitration. The petitioner has also duly invoked the arbitration clause. In view of the failure of the respondents to respond thereto, or took consent to the nominee proposed by the petitioner, the Sole Arbitrator is required to be appointed in accordance with Section 11 of the Arbitration and Conciliation Act.

6. Therefore, this Court is inclined to appoint an arbitrator from Chennai. Accordingly, this petition is allowed by appointing **Mr.V.Nallasenapathy**, Advocate having address at No.15, Shanthi Nagar, Korattur, Chennai 600 050. (Mobile:



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9841527190) as the Sole Arbitrator. The sole Arbitrator is directed to enter upon reference and adjudicate the dispute in accordance with law. It is open to the Sole Arbitrator to fix his fees and expenses in relation to the arbitral proceedings.

29.10.2024

Neutral citation: Yes/no
Index : Yes/No
Speaking/Non Speaking

rts

To

Mr.V.Nallasenapathy,
No.15, Shanthi Nagar,
Korattur,
Chennai 600 050.



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G.K.ILANTHIRAIYAN, J.

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